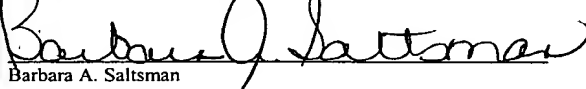




Express Mail Label No. EV554216370US  
Attorney Docket No.283-325  
**PATENT**

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Barbara A. Saltzman

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.:	09/858,163	Confirmation No.:	3286
Applicant:	Michael Ehrhart		
Filed:	May 15, 2001		
Art Unit:	2876		
Examiner:	Kimberly D. Nguyen		
Docket No.:	283-325		
Customer No.:	20874		

Mail Stop: RCE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**COMMENT ON STATEMENT OF REASONS FOR ALLOWANCE**

Sir:

In reviewing the Statement of Reasons for Allowance in the Office Action dated August 12, 2005, applicant noted that the elements the Examiner discusses in the Statement are not present in each claim. If the Examiner's position is that all of the elements referenced in the Statement of Reasons for Allowance must be present in each claim for the claims to be allowable, the Examiner is respectfully requested to withdraw the allowance and to render a formal Office Action substantiating such a position. Otherwise, the file history of the present application will reflect that each claim has been allowed by reason of combinations of elements actually recited therein.

U. S. Patent Application No.: 09/858,163

Comment on Statement of Reasons For Allowance Dated November 10, 2005


If the Examiner believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicants' representative at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

Date: November 10, 2005



George S. Blasiak

Registration No. 37,283

WALL MARJAMA & BILINSKI LLP

101 South Salina Street

Suite 400

Syracuse, NY 13202

315-425-9000

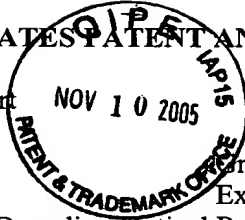
315-425-9114 (FAX)

Customer No. 20874

GSB/bs

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael Ehrhart



Application No.: 09/858,163

Filed: 05/15/2001

For: Multimode Image Capturing And Decoding Optical Reader

Group No.: 2876

Examiner: Kimberly. D. Nguyen

Mail Stop: RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

"Express Mail" Label Number EV554216370US

Date of Deposit: November 10, 2005

I hereby state that the following *are being mailed via Express Mail*:

1. Two checks totaling \$970
2. PTO/SB/21 Transmittal Form
3. PTO/SB/17 Fee Transmittal
4. PTO/SB/30 RCE Form
5. Amendment in Response to Notice of Allowability
6. Comment on Statement of Reasons For Allowance
7. Information Disclosure Statement
8. PTO/SB/08A
9. Return Mail Room Postcard

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Barbara A. Saltsman

A handwritten signature in black ink, appearing to read "Barbara A. Saltsman". The signature is written in a cursive style and is positioned below the printed name.

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

27

Application Number

09/858,163

Filing Date

May 15, 2001

First Named Inventor

Michael Ehrhart

Art Unit

2876

Examiner Name

Kimberly D. Nguyen

Attorney Docket Number

283-325

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional ApplicationPower of Attorney, Revocation  
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):

See the attached additional enclosures

**Remarks**

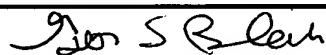
Express Mail Label No. EV554216370US

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Wall Marjama &amp; Bilinski LLP

Signature



Printed name

George S. Blasiak

Date

11/10/05

Reg. No.

37,283

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

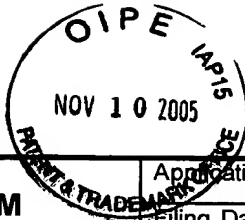
Signature

Typed or printed name

Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**TRANSMITTAL FORM  
(PTO/SB/21)**

**ADDITIONAL ENCLOSURES**

Application Number	09/858,163
Filing Date	May 15, 2001
First Named Inventor	Michael Ehrhart
Art Unit	2876
Examiner Name	Kimberly D. Nguyen
Attorney Docket Number	283-325

Two Checks For \$970

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PTO/SB/08A (2 pgs.)

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**IPR FEE TRANSMITTAL**  
**For FY 2005**

NOV 10 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 970.00

**Complete if Known**

Application Number 09/858,163  
 Filing Date May 15, 2001  
 First Named Inventor Michael Ehrhart  
 Examiner Name Kimberly D. Nguyen  
 Art Unit 2876  
 Attorney Docket No. 283-325

**METHOD OF PAYMENT (check all that apply)**

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 50-0289 Deposit Account Name: Wall Marjama & Bilinski LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

- 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**Multiple Dependent Claims**

**Fee (\$)**      **Fee Paid (\$)**

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets**      **Extra Sheets**      **Number of each additional 50 or fraction thereof**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_\_ - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x 250.00 = 0.00

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): RCE Fee (\$790) & IDS Fee (\$180)

**Fees Paid (\$)**

970.00

**SUBMITTED BY**

Signature George S. Blasiak Registration No. 37,283 Telephone 315-425-9000  
 Name (Print/Type) George S. Blasiak Date November 10, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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